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RUEHVEN/USMISSION USOSCE IMMEDIATE 3689
RUCNDT/USMISSION USUN NEW YORK IMMEDIATE 3082
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RUEHBS/USEU BRUSSELS IMMEDIATE
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C O N F I D E N T I A L SECTION 01 OF 02 BISHKEK 000082

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DEPT FOR SCA/CEN (GORKOWSKI)

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SUBJECT: KYRGYZSTAN'S TRIALS: WAITING FOR EVIDENCE IN
PETROVKA

REF: 09 BISHKEK 442

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Classified By: Ambassador Tatiana C. Gfoeller, Reasons 1.4 (b) and (d).

¶1. (SBU) SUMMARY: The trial of six people charged with starting an ethnic riot in the village of Petrovka continues to grind forward. Witness after witness denies that the defendants were inciting the riot, and many say that the three prominent activists on trial were trying to stop it. The prosecution shuffles on, barely paying attention to what the witnesses say, and the judge repeatedly denies requests to release prisoners on humanitarian grounds. Meanwhile, the prisoners appear ever more haggard, and cough continuously throughout trial sessions. END SUMMARY.

Background: Riot in Petrovka

¶2. (SBU) On April 26, about 300 ethnic Kyrgyz and Russian residents of the village of Petrovka gathered to protest the authorities' inaction against the alleged rape of a 4 year old Russian girl by a Kurd. The crowd broke windows in about 15 homes belonging to Kurds, and overturned or set on fire six cars (reftel). Police arrested about 80 people, including Erkin Bulekbayev, the leader of the Green Party, and opposition activists Saparbek Argymbayev, and Uran Ryskulov. Internal Affairs Minister Moldomusa Kongantiyev subsequently blamed the political opposition for starting the riot, and the three arrested activists, along with three residents of Petrovka, were charged with inciting mass disorder. The rest of the detained were released, some after paying fines, after one day of incarceration.

Beatings for Profit, or Politics?

¶4. (C) In a meeting on September 23, Asiya Sasykbayeva, Director of the Interbilim Center, said that all of the activists were being beaten while in custody, and that she had observed injuries consistent with beating on Bulekbayev and Argymbayev. When she went with a group of opposition

activists to the Bishkek Pre-Trial Detention Center to protest against their treatment, she said that an inmate told her that prison guards had ordered them to beat the three detainees.

15. (C) On October 7, the Embassy met with Bulekbayev's son, Kenshlik, who confirmed that his father had suffered several beatings at the hands of prison inmates. Bulekbayev said that his family had received a demand for \$50,000, apparently from inmates in the prison, in exchange for which they would stop beating his father. Bulekbayev said that they sold their home and their car, but had not been able to raise that amount, and so his father was still being beaten. Bulekbayev said that he and his brothers and sisters are not politically active, but that they are continually harassed by the police, and several of them have lost their jobs. He concluded by saying that he believes the harassment will continue indefinitely, and asked about the process of applying for political asylum in another country. Poloff referred him to a local legal clinic that has assisted other people seeking asylum.

Waiting for the Evidence

16. (SBU) The trial of the three activists began in October. During all of the trial's sessions that the Embassy has attended, we have not observed a single witness give testimony that supports the prosecution's charges that Bulekbayev and his co-defendants instigated the riot. Two witnesses explicitly disavowed the written statements implicating the defendants that they made after the riots, one claiming that the police had pressured him to sign it,

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and the other saying that he was mentally ill. Some of the witnesses said that they did not see any of the defendants during the period of rioting, but a greater number testified that Bulekbayev was standing in front of the mob, urging them to stop throwing rocks, and to settle their disagreements with the Kurdish residents peacefully.

17. (SBU) Observers of a recent trial session on December 8 said that the prosecution presented a string of witnesses, all of whom repudiated their written testimony, saying that the police had pressured them into signing it. According to observers, none of the witnesses gave evidence supporting the charges.

18. (SBU) The prosecution team appears unruffled by the absence of evidence to support the charges. The prosecutors appear to have done little preparation for cross-examining witnesses, and spend little time doing so. Their questions often show that they were not listening to the witnesses' testimony -- in fact, they occasionally appear to be dozing, and one prosecutor talked on a cell phone while a witness was testifying. In an apparent attempt to find something bad that Bulekbayev had done, a prosecutor asked a witness if it was true that Bulekbayev had called Prime Minister Daniyar Usenov "a crook." Before the witness could answer, Bulekbayev stood up, and said that it was true, but he hadn't said it in Petrovka, he'd said it in a published newspaper interview.

19. (SBU) In contrast to the prosecution, the defense attorneys, who include former Prosecutor General Azimbek Beknazarov, spend a great deal of time examining the witnesses. Not content with simply establishing the falsehood of the charges, they appear to be laying the groundwork to rebut claims that the prosecution might make, but has not yet made. The defense is generally supported by the audience, who frequently murmur approvingly when the defense makes a strong point. On several occasions, audience members have stood up and made a statement, or asked questions of witnesses. These interjections, accepted by the Judge, generally appear either neutral or supportive of the

defense.

¶10. (SBU) On November 17, several opposition leaders, including Asiya Sasykbayeva of the Interbilim Center, and Topchubek Turgunaliyev, the leader of the Erkindik Party, came to the trial, and made appeals for the prisoners to be released on humanitarian grounds, pledging that they would be responsible for guaranteeing that the prisoners did not flee.

The prisoners have appeared more haggard as the weather has gotten colder, and both Ryskulov and Argymbayev are suffering from chronic coughs. The judge listened to the impassioned presentations, which noted that no evidence has yet been introduced to back up the charges, and adjourned the proceedings for an hour. When he returned, he quickly read a judgment that, citing a number of laws and points of legal procedure, concluded with opaque logic that he could not grant the request.

Comment

¶11. (C) The Government seems intent on drawing out the trial, making it as painful as possible for the defendants. A finding of guilty is quite possible, even in the absence of supporting evidence, but given the prosecution's apparent indifference to the proceedings, it is also possible that the defendants will be found not guilty. Then, the government can cite the trial's outcome as an example of justice done, even while the defendants' travails serve as a chilling example to the opposition.

GFOELLER